

ASSEMBLY BILL

No. 424

Introduced by Assembly Member Richman

February 14, 2003

An act to repeal Sections 33110, 33111, 33112, 33113, 33114, 33115, 33116, 33117, 33117.5, 33117.7, 33118, 33119, 33120, 33121, 33122, 33123, 33125, 33126.1, 33126.2, 33126.5, 33127, 33128, 33128.5, 33129, 33131, 33132, 33133, 35160.5, 35161, 35162, 35163, 35164, 35165, 35166, 35167, 35168, 35170, 35172, 35175, 35177, 35178, 35178.4, 35250, 35251, 35252, 35253, 35254, 35255, 35256.1, and 35258 of, to repeal Article 1 (commencing with Section 33100) of, Article 3 (commencing with Section 33140) of, and Article 5 (commencing with Section 33190) of, Chapter 2 of Part 20 of, to repeal Article 1 (commencing with Section 35100) of, Article, 1.5 (commencing with Section 35110) of, Article 2 (commencing with Section 35120) of, Article 3 (commencing with section 35140) of, Article 4.5 (commencing with Section 35179) of, Article 4.7 (commencing with Section 35181) of, Article 5 (commencing with Section 35190) of, Article 6 (commencing with Section 35200) of, Article 7 (commencing with Section 35230) of, Article 9 (commencing with Section 35270.5) of, Article 10 (commencing with Section 35290) of, Article 10.3 (commencing with Section 35294) of, Article 10.4 (commencing with Section 35294.10) of, Article 10.41 (commencing with Section 35294.20) of, Article 10.5 (commencing with Section 35295) of, Article 12 (commencing with Section 35310) of, Article 13 (commencing with Section 35330) of, Article 13.5 (commencing with Section 35335) of, Article 15 (commencing with Section 35350) of, and Article 16 (commencing with Section 35400) of, Chapter 2 of Part 21 of, to repeal Chapter 1 (commencing with Section 1) of, Chapter 2

(commencing with Section 200) of, Chapter 4 (commencing with Section 400) of, Chapter 5 (commencing with Section 420) of, and Chapter 6 (commencing with Section 430) of, Part 1 of, to repeal Chapter 3 (commencing with Section 33300) of, and Chapter 4 (commencing with Section 33500) of, Part 20 of, to repeal Chapter 1 (commencing with Section 35000) of Part 21 of, to repeal Part 2 (commencing with Section 1000) of, Part 3 (commencing with Section 4000) of, Part 4 (commencing with Section 5000) of, Part 5 (commencing with Section 7000) of, Part 6 (commencing with Section 8006) of, Part 7 (commencing with Section 10000) of, Part 8. 5 (commencing with Section 13000) of, Part 8.7 (commencing with Section 13040) of, Part 10 (commencing with Section 15100) of, Part 10.5 (commencing with Section 17210) of, Part 10.7 (commencing with Section 17910) of, Part 10.8 (commencing with Section 17920) of, Part 11 (commencing with Section 18010) of, Part 12 (commencing with Section 21100) of, Part 19 (commencing with Section 32001) of, Part 19.5 (commencing with Section 32500) of, Part 22 (commencing with Section 37060) of, Part 23 (commencing with Section 38000) of, Part 23 (commencing with Section 39672) of, Part 23.5 (commencing with Section 39800) of, Part 25 (commencing with Section 44000) of, Part 26 (commencing with Section 46000) of, Part 26.8 (commencing with Section 47600) of, Part 26.95 (commencing with Section 47750) of, Part 27 (commencing with Section 48000) of, Part 28 (commencing with Section 51000) of, Part 29 (commencing with Section 54000) of, Part 31 (commencing with Section 58400) of, Part 32 (commencing with Section 59000) of, Part 33 (commencing with Section 60000) of, Part 34 (commencing with Section 62000) of, Part 35 (commencing with Section 63000) of, Part 36 (commencing with Section 64000) of, Part 37 (commencing with Section 64100) of, and Part 38 (commencing with Section 64200) of, the Education Code, relating to education.

LEGISLATIVE COUNSEL'S DIGEST

AB 424, as introduced, Richman. Education.

The Education Code contains provisions of law that govern, among other things, childcare and development services and elementary and secondary education and that authorize the Superintendent of Public Instruction, the State Department of Education, the State Board of Education, and the Commission on Teacher Credentialing and various educational entities, including school districts, county offices of



education, special education local plan areas, and charter schools to take action and to perform prescribed duties.

This bill would, effective July 1, 2007, repeal the parts of the Education Code governing childcare and development services and specified provisions governing elementary and secondary education and, in that regard, would make legislative findings, declarations, and statements of legislative intent.

The bill would establish a 15-member commission, to be appointed as specified, to revise those repealed parts of the Education Code governing childcare and development services and elementary and secondary education. The bill would require the commission on or before January 1, 2005, to submit to the Legislature, the Governor, and the State Board of Education a recommended revised version of those repealed parts of the Education Code governing child care and development services and elementary and secondary education. The bill would require the Legislative Counsel, Legislative Analyst, State Department of Education, and the Department of Finance to assist the commission in the performance of its duties and to fund the cost of providing assistance to the commission from existing resources.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares the
- 2 following:
- 3 (1) Education is a vital interest of the state and provides citizens
- 4 with the knowledge and skills to maintain our system of
- 5 government and to foster a thriving economy.
- 6 (2) The 2002 Master Plan for Education that was designed to
- 7 provide a blueprint for education in California in the 21st century
- 8 and to support lifelong learning for all Californians by raising the
- 9 standard for educational excellence.
- 10 (3) Repealing, reviewing, and reenacting the parts of the
- 11 Education Code that govern childcare and development services
- 12 and elementary and secondary education, if accomplished
- 13 consistent with the 2002 Master Plan for Education, will help to
- 14 achieve high quality education by placing children first and by
- 15 providing educators and families with the information needed to
- 16 give all children the opportunity for success in life.



(b) It is the intent of the Legislature that the review and revision of education statutes entailed in reenacting those parts of the Education Code governing childcare and development services and elementary and secondary education be a complementary effort to the efficient and effective implementation of the 2002 Master Plan for Education.

(c) It is also the intent of the Legislature to reenact those parts of the Education Code governing childcare and development services and elementary and secondary education to achieve the following objectives:

(1) Eliminate redundant, obsolete, or unnecessary language.

(2) Streamline statutes to facilitate compliance.

(3) Promote accountability for all direct participants in the educational process.

(4) Develop reliance on clear performance standards in support of academic excellence.

(5) Ensure flexibility in the methods used to achieve performance standards.

(6) Substitute incentives in place of mandates whenever possible.

(7) Strengthen local control to serve community needs and the interests of pupils.

(8) Foster professionalism and encourage the exercise of individual initiative.

(9) Reward excellence.

SEC. 2. Chapter 1 (commencing with Section 1) of Part 1 of the Education Code is repealed.

SEC. 3. Chapter 2 (commencing with Section 200) of Part 1 of the Education Code is repealed.

SEC. 4. Chapter 4 (commencing with Section 400) of Part 1 of the Education Code is repealed.

SEC. 5. Chapter 5 (commencing with Section 420) of Part 1 of the Education Code is repealed.

SEC. 6. Chapter 6 (commencing with Section 430) of Part 1 of the Education Code is repealed.

SEC. 7. Part 2 (commencing with Section 1000) of the Education Code is repealed.

SEC. 8. Part 3 (commencing with Section 4000) of the Education Code is repealed.



1 SEC. 9. Part 4 (commencing with Section 5000) of the
2 Education Code is repealed.

3 SEC. 10. Part 5 (commencing with Section 7000) of the
4 Education Code is repealed.

5 SEC. 11. Part 6 (commencing with Section 8006) of the
6 Education Code is repealed.

7 SEC. 12. Part 7 (commencing with Section 10000) of the
8 Education Code is repealed.

9 SEC. 13. Part 8.5 (commencing with Section 13000) of the
10 Education Code is repealed.

11 SEC. 14. Part 8.7 (commencing with Section 13040) of the
12 Education Code is repealed.

13 SEC. 15. Part 10 (commencing with Section 15100) of the
14 Education Code is repealed.

15 SEC. 16. Part 10.5 (commencing with Section 17210) of the
16 Education Code is repealed.

17 SEC. 17. Part 10.7 (commencing with Section 17910) of the
18 Education Code is repealed.

19 SEC. 18. Part 10.8 (commencing with Section 17920) of the
20 Education Code is repealed.

21 SEC. 19. Part 11 (commencing with Section 18010) of the
22 Education Code is repealed.

23 SEC. 20. Part 12 (commencing with Section 21100) of the
24 Education Code is repealed.

25 SEC. 21. Part 19 (commencing with Section 32001) of the
26 Education Code is repealed.

27 SEC. 22. Part 19.5 (commencing with Section 32500) of the
28 Education Code is repealed.

29 SEC. 23. Article 1 (commencing with Section 33100) of
30 Chapter 2 of Part 20 of the Education Code is repealed.

31 SEC. 24. Section 33110 of the Education Code is repealed.

32 ~~33110. The Superintendent of Public Instruction may employ~~
33 ~~one Deputy Superintendent of Public Instruction and necessary~~
34 ~~clerical and expert assistants, and may fix the compensation of all~~
35 ~~statutory and other employees as provided by law, except as~~
36 ~~otherwise provided.~~

37 SEC. 25. Section 33111 of the Education Code is repealed.

38 ~~33111. The Superintendent of Public Instruction shall~~
39 ~~execute, under direction of the State Board of Education, the~~
40 ~~policies which have been decided upon by the board and shall~~

~~1 direct, under general rules and regulations adopted by the State
2 Board of Education, the work of all appointees and employees of
3 the board.~~

4 SEC. 26. Section 33112 of the Education Code is repealed.

5 ~~33112. The Superintendent of Public Instruction shall:~~

6 ~~(a) Superintend the schools of this state.~~

7 ~~(b) Prepare, have printed, and furnish to teachers and to all
8 officers charged with the administration of the laws relating to the
9 public schools the blank forms and books necessary to the
10 discharge of their duties, including blank teachers' certificates to
11 be used by county and city and county boards of education.~~

12 ~~(c) Authenticate with his or her official seal all drafts or orders
13 drawn by him or her, and all papers and writings issued from his
14 or her office.~~

15 ~~(d) Have bound, at the state bindery, all valuable school reports,
16 journals, and documents in his or her office, or received by him or
17 her.~~

18 ~~(e) Deliver over, at the expiration of his or her term of office,
19 on demand, to his or her successor, all property, books, documents,
20 maps, records, reports, and other papers belonging to his or her
21 office, or which may have been received by him or her for the use
22 of his or her office.~~

23 ~~(f) Designate and appoint, or terminate the designation and
24 appointment of, any officer or employee of the department to have
25 the powers and liabilities of a deputy, including designation
26 pursuant to Section 7.9 of the Government Code, which
27 appointment and termination of appointment shall be effective
28 when filed in writing in the office of the Secretary of State.~~

29 ~~(g) Annually inform the governing boards of school districts,
30 in a manner prescribed by the superintendent, of the provisions of
31 Section 60510.5.~~

32 SEC. 27. Section 33113 of the Education Code is repealed.

33 ~~33113. The Superintendent of Public Instruction shall
34 prescribe regulations under which contracts, agreements, or
35 arrangements may be made with agencies of the federal
36 government for funds, services, commodities, or equipment to be
37 made available to schools under the jurisdiction of the State Board
38 of Education and the Superintendent of Public Instruction.~~

39 SEC. 28. Section 33114 of the Education Code is repealed.

1 ~~33114.—All such contracts, agreements or arrangements shall~~
2 ~~be entered into in accordance with regulations prescribed by the~~
3 ~~Superintendent of Public Instruction and in no other manner.~~

4 SEC. 29. Section 33115 of the Education Code is repealed.

5 ~~33115.—The Superintendent of Public Instruction may enter~~
6 ~~into an agreement with the government of the United States or any~~
7 ~~agency thereof relative to the establishment of courses of study in~~
8 ~~aeronautics in the technical schools of the public school system;~~
9 ~~except the California State University.~~

10 SEC. 30. Section 33116 of the Education Code is repealed.

11 ~~33116.—The Director of Education may enter into agreements~~
12 ~~with any agency of the federal government for the education of~~
13 ~~persons in the service of the federal government in schools under~~
14 ~~the jurisdiction of the Department of Education. All money~~
15 ~~received from an agency of the federal government for the~~
16 ~~education of persons in any such school is hereby appropriated for~~
17 ~~the support of such school in addition to such other funds as may~~
18 ~~be appropriated therefor by the Legislature.~~

19 SEC. 31. Section 33117 of the Education Code is repealed.

20 ~~33117.—The Director of Education may enter into agreements~~
21 ~~with agencies of the federal government, county superintendents~~
22 ~~of schools, county boards of education, any school district, and~~
23 ~~state college foundations or other auxiliary organizations,~~
24 ~~including those established pursuant to Section 90000 for the~~
25 ~~performance of any services for those agencies by any school~~
26 ~~under the jurisdiction of the State Department of Education. All~~
27 ~~money received under any agreement, except recovery of~~
28 ~~contributions to the Public Employees' Retirement Fund, is~~
29 ~~hereby appropriated for the support of the school in addition to~~
30 ~~other funds as may be appropriated therefor by the Legislature.~~

31 SEC. 32. Section 33117.5 of the Education Code is repealed.

32 ~~33117.5.—(a) Adult education programs and regional~~
33 ~~occupational programs operated by school districts and county~~
34 ~~offices of education that have contracted with the Superintendent~~
35 ~~of Public Instruction pursuant to subdivision (b) shall provide~~
36 ~~services to welfare recipients referred by county welfare~~
37 ~~departments in accordance with subdivision (c) of Section 11322.8~~
38 ~~and paragraph (3) of subdivision (b) of Section 11325.22 of the~~
39 ~~Welfare and Institutions Code. These services shall include an~~
40 ~~evaluation of the individual's educational and training needs for~~

1 purposes of subdivision (c) of Section 11322.8 and paragraph (3)
2 of subdivision (b) of Section 11325.22 of the Welfare and
3 Institutions Code and the preparation of a related education and
4 training plan reflecting these needs. The plan shall specify the
5 educational and training services to be provided and the length of
6 time services are to be provided, and shall assure access to those
7 services.

8 (b) The Superintendent of Public Instruction shall identify
9 school districts or county offices of education that can best
10 accommodate welfare recipients for whom vocational education,
11 adult education, and English as a second language is specified in
12 contracts required by Sections 11321.4 and 11325.21 of the
13 Welfare and Institutions Code. The superintendent shall enter into
14 contracts with each consenting district or county office, where
15 necessary, so that the contracting district, independent regional
16 occupation program, or county office shall provide at least 10
17 weekly hours of open entry-open exit skills training and education
18 for welfare recipients who need this training to enable counties to
19 meet their goals for plans developed pursuant to Article 3.2
20 (commencing with Section 11320) of Chapter 2 of Part 3 of
21 Division 9 of the Welfare and Institutions Code. If a program is
22 unable to provide at least 10 hours of instruction to these
23 participants, even though funds are available, the appropriate
24 district or county office shall report to the superintendent the
25 reasons why sufficient hours of instruction were not provided. The
26 superintendent should provide technical assistance to those
27 districts or county offices to resolve the problems that prohibit an
28 adequate number of hours of instruction from being offered.

29 (c) Allocations to the Superintendent of Public Instruction of
30 funds available under Section 202 (e)(1)(C) and Section
31 262(e)(1)(C) of the federal Job Training Partnership Act shall be
32 used for purposes of this section to the extent the superintendent
33 determines necessary.

34 The Superintendent of Public Instruction shall allocate these
35 funds directly to service delivery areas for allocation to those
36 providers of educational and training services delivered in
37 accordance with this section. The Superintendent of Public
38 Instruction shall allocate to community college districts and the
39 Chancellor's Office of the California Community Colleges such
40 funds as are determined necessary pursuant to Section 71050. The

~~Superintendent of Public Instruction may allocate these funds to service delivery areas which have agreements with private schools and organizations to provide educational and training services under Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code. These funds shall be allocated in accordance with the coordination criteria of the coordination and special services plan as provided in Section 10524 of the Unemployment Insurance Code, and according to the priority order of eligible persons for these funds as provided in Sections 15010 and 15011 of the Unemployment Insurance Code.~~

~~(d) As a condition for the funding of education and training services to participants under Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, as provided in subdivisions (a) to (e), inclusive, education providers and county welfare departments shall discuss and jointly certify that they agree upon the delivery of education and training services for program participants.~~

SEC. 33. ~~Section 33117.7 of the Education Code is repealed. 33117.7.—The Superintendent of Public Instruction shall use 30 percent of the funds available under Section 202(c)(1)(C) and Section 262(c)(1)(C) of the federal Job Training Partnership Act to support the work-based learning component of a school-to-career program. These funds shall be expended as authorized by the federal act and shall be targeted for activities that create and support paid internships in the private sector, with an emphasis on small businesses, and paid work experience in the public sector or private nonprofit sector, for youth.~~

SEC. 34. ~~Section 33118 of the Education Code is repealed. 33118.—The Superintendent of Public Instruction shall, not later than the 25th day of July in each year, prepare an estimate of the amount of state school money that will be apportioned to each county or city and county during the current school year, and furnish a certified copy of the estimate to each county or city and county superintendent of schools.~~

SEC. 35. ~~Section 33119 of the Education Code is repealed. 33119.—Other than for persons in the state civil service, the length of, and the time for, vacations of teachers, officers, and employees of the schools for the deaf, the school for the blind, and orientation centers for the blind shall be prescribed by the Director~~

1 of Education, except that the length of vacations for teachers at
2 orientation centers for the blind shall not exceed 30 days.

3 SEC. 36. Section 33120 of the Education Code is repealed.

4 33120. ~~The Director of Education may conduct experimental~~
5 ~~work in education through various media, including radio and~~
6 ~~television.~~

7 SEC. 37. Section 33121 of the Education Code is repealed.

8 33121. ~~The Director of Education may develop audial and~~
9 ~~visual curriculum materials, evolve means and methods, and~~
10 ~~prescribe standards, for the use of such materials in the public~~
11 ~~elementary and secondary schools.~~

12 SEC. 38. Section 33122 of the Education Code is repealed.

13 33122. ~~The Director of Education shall employ such persons~~
14 ~~as are necessary for the coordination and the supervision of~~
15 ~~services for hard-of-hearing children.~~

16 SEC. 39. Section 33123 of the Education Code is repealed.

17 33123. ~~The Director of Education may enter into an~~
18 ~~agreement with any political entity mentioned in Section 44853~~
19 ~~for the exchange and employment of persons serving as teachers~~
20 ~~in schools under the jurisdiction of the Department of Education~~
21 ~~and employees of public schools of the political entity. The~~
22 ~~exchange and employment shall be made under comparable~~
23 ~~circumstances, subject to comparable conditions, with comparable~~
24 ~~effect as to tenure and retirement rights, subject to comparable~~
25 ~~requirements as to payment of salary and deductions therefrom,~~
26 ~~and for the same period of time as set forth in Sections 44853,~~
27 ~~44854, and 44855 with respect to the exchange of school district~~
28 ~~employees, except that the circumstances, conditions, rights, and~~
29 ~~requirements shall be those appropriate to the employment~~
30 ~~relationship between the teachers and the Department of~~
31 ~~Education.~~

32 SEC. 40. Section 33125 of the Education Code is repealed.

33 33125. ~~The Director of Education, subject to such conditions~~
34 ~~as the State Board of Education may establish, may purchase~~
35 ~~annuity contracts for the employees of the California School for~~
36 ~~the Deaf provided for in Chapter 1 (commencing with Section~~
37 ~~59000) of Part 32 of Division 4 of this title, the California School~~
38 ~~for the Blind provided for in Chapter 2 (commencing with Section~~
39 ~~59100) of Part 32 of Division 4 of this title, and the diagnostic~~
40 ~~schools for neurologically handicapped children provided for in~~

~~Chapter 3 (commencing with Section 59200) of Part 32 of Division 4 of this title, and shall reduce the salary of any such employee for whom such contract is purchased in the amount of the cost thereof; provided that each of the following conditions are met:~~

~~(a) The annuity contract is under an annuity plan which meets the requirements of subdivision (b) of Section 403 of the Internal Revenue Code of 1954 of the United States.~~

~~(b) The employee makes application to the director for such purchase and reduction of salary.~~

~~(c) All provisions of the Insurance Code applicable to the purchase of such annuities are satisfied.~~

~~SEC. 41. Section 33126.1 of the Education Code is repealed.~~

~~33126.1. (a) The State Department of Education shall develop and recommend for adoption by the State Board of Education a standardized template intended to simplify the process for completing the school accountability report card and make the school accountability report card more meaningful to the public.~~

~~(b) The standardized template shall include fields for the insertion of data and information by the State Department of Education and by local educational agencies. When the template for a school is completed, it should enable parents and guardians to compare how local schools compare to other schools within that district as well as other schools in the state.~~

~~(c) In conjunction with the development of the standardized template, the State Department of Education shall furnish standard definitions for school conditions included in the school accountability report card. The standard definitions shall comply with the following:~~

~~(1) Definitions shall be consistent with the definitions already in place or under the development at the state level pursuant to existing law.~~

~~(2) Definitions shall enable schools to furnish contextual or comparative information to assist the public in understanding the information in relation to the performance of other schools.~~

~~(3) Definitions shall specify the data for which the State Department of Education will be responsible for providing and the data and information for which the local educational agencies will be responsible.~~

~~(d) By December 1, 2000, the State Department of Education shall report to the State Board of Education on the school conditions for which it already has standard definitions in place or under development. The report shall include a survey of the conditions for which the State Department of Education has valid and reliable data at the state, district, or school level. The report shall provide a timetable for the inclusion of conditions for which standard definitions or valid and reliable data do not yet exist through the State Department of Education.~~

~~(e) By December 1, 2000, the Superintendent of Public Instruction shall recommend and the State Board of Education shall appoint 13 members to serve on a broad-based advisory committee of local administrators, educators, parents, and other knowledgeable parties to develop definitions for the school conditions for which standard definitions do not yet exist. The State Board of Education may designate outside experts in performance measurements in support of activities of the advisory board.~~

~~(f) By January 1, 2001, the State Board of Education shall approve available definitions for inclusion in the template as well as a timetable for the further development of definitions and data collection procedures. By July 1, 2001, and each year thereafter, the State Board of Education shall adopt the template for the current year's school accountability report card. Definitions for all school conditions shall be included in the template by July 1, 2002.~~

~~(g) The State Department of Education shall annually post the completed and viewable template on the Internet. The template shall be designed to allow schools or districts to download the template from the Internet. The template shall further be designed to allow local educational agencies, including individual schools, to enter data into the school accountability report card electronically, individualize the report card, and further describe the data elements. The State Department of Education shall establish model guidelines and safeguards that may be used by school districts secured access only for those school officials authorized to make modifications.~~

~~(h) The State Department of Education shall annually post, on the Internet, each eligible school's claiming rate of pupils who earned an award for either of the programs established by subdivision (a) of Section 69997. The Scholarshare Investment~~

~~Board shall provide the claiming rates, for the most recent two-year period, for each eligible school to the State Department of Education by June 30 of each year. Schools shall post their claiming rate, required in paragraph (26) of subdivision (b) of Section 33216, from the State Department of Education Internet site.~~

~~(i) The State Department of Education shall maintain current Internet links with the Web sites of local educational agencies to provide parents and the public with easy access to the school accountability report cards maintained on the Internet. In order to ensure the currency of these Internet links, local educational agencies that provide access to school accountability report cards through the Internet shall furnish current Uniform Resource Locators for their Web sites to the State Department of Education.~~

~~(j) A school or school district that chooses not to utilize the standardized template adopted pursuant to this section shall report the data for its school accountability report card in a manner that is consistent with the definitions adopted pursuant to subdivision (c) of this section.~~

~~(k) The State Department of Education shall provide recommendations for changes to the California Basic Education Data System, or any successor data system, and other data collection mechanisms to ensure that the information will be preserved and available in the future.~~

~~(l) Local educational agencies shall make these school accountability report cards available through the Internet or through paper copies.~~

~~(m) The State Department of Education shall monitor the compliance of local educational agencies with the requirements to prepare and to distribute school accountability report cards.~~

SEC. 42. Section 33126.2 of the Education Code is repealed.

~~33126.2.—(a) The Secretary for Education, as part of the study conducted pursuant to Provision 2 of Item 0650-011-0001 of Section 2.00 of the Budget Act of 2000, shall review the data elements provided by school districts via their school accountability report cards to determine to what extent these data elements may be incorporated into the Academic Performance Index, as established by Section 52052. This review may include, but is not limited to, the number of computers per pupil, quality and capacity of technology in the classroom, postsecondary~~

1 matriculation data, and disaggregation of required data elements
2 by subgroups. The Superintendent of Public Instruction may also
3 recommend additional data elements for inclusion in the
4 Academic Performance Index. Data elements may be incorporated
5 in the Academic Performance Index only after those elements have
6 been determined by the State Board of Education to be valid and
7 reliable for the purpose of measuring school performance, and
8 only if their inclusion would not be likely to result in a valid claim
9 against the state for reimbursement pursuant to Section 6 of Article
10 XIII B of the California Constitution.

11 (b) The Superintendent of Public Instruction shall additionally
12 review, and the State Board of Education shall consider, any
13 empirical research data that becomes available concerning barriers
14 to equal opportunities to succeed educationally for all California
15 pupils, regardless of socioeconomic background. Upon obtaining
16 this information, the board shall evaluate whether there is any need
17 to revise the school accountability report card.

18 SEC. 43. Section 33126.5 of the Education Code is repealed.

19 33126.5.—The State Allocation Board, in cooperation with the
20 Superintendent of Public Instruction, shall develop and maintain
21 an automated school facilities inventory that is capable of
22 indicating the statewide percentage of facility utilization and
23 projecting school facility needs five years in advance, in order to
24 permit the board to study alternative proposals for the allocation
25 of funds for new construction, maintenance, and rehabilitation.

26 SEC. 44. Section 33127 of the Education Code is repealed.

27 33127.—The Superintendent of Public Instruction, the
28 Controller, and the Director of the Department of Finance shall
29 develop, on or before March 1, 1989, standards and criteria to be
30 reviewed and adopted by the State Board of Education, and to be
31 used by local educational agencies in the development of annual
32 budgets and the management of subsequent expenditures from that
33 budget. During the development of the standards and criteria, the
34 Superintendent of Public Instruction's Fiscal Management
35 Advisory Committee composed of representatives from school
36 districts, county offices of education, state agencies, the
37 Legislature, and appropriate professional organizations, shall
38 review and comment prior to the enactment of the standards and
39 criteria. In addition, the standards and criteria shall be used to
40 monitor the fiscal stability of local educational agencies as

1 ~~provided for in Sections 1240.1, 1240.2, 1621, 1623, 1623.2,~~
2 ~~33131, 35014.3, 42127, and 42127.1.~~

3 SEC. 45. Section 33128 of the Education Code, as amended
4 by section 6.5 of Chapter 1168 of the Statutes of 2002, is repealed.

5 ~~33128. (a) The standards and criteria to be adopted by the~~
6 ~~State Board of Education pursuant to Section 33127 shall include,~~
7 ~~but not be limited to, comparisons and reviews of the following:~~

8 ~~(1) Average daily attendance.~~

9 ~~(2) Revenues and expenditures.~~

10 ~~(3) Reserves and fund balance.~~

11 ~~(4) Multiyear commitments.~~

12 ~~(b) Notwithstanding paragraph (3), the State Board of~~
13 ~~Education shall not adopt standards and criteria for a budget~~
14 ~~reserve for economic uncertainties in excess of 1 percent of a~~
15 ~~school district's total expenditures, transfers out, and other uses of~~
16 ~~the school district for a school district that has an average daily~~
17 ~~attendance greater than 125,000 and where the school district has,~~
18 ~~by an affirmative vote of its governing board, agreed to a budget~~
19 ~~reserve of 1 percent. For the purposes of this paragraph, "transfers~~
20 ~~out" and "other uses" of the school district shall have the same~~
21 ~~meaning as set forth in the California School Accounting Manual.~~

22 ~~(c) This section shall become inoperative on July 1, 2004, and,~~
23 ~~as of January 1, 2005, is repealed, unless a later enacted statute,~~
24 ~~that becomes operative on or before January 1, 2005, deletes or~~
25 ~~extends the dates on which it becomes inoperative and is repealed.~~

26 SEC. 46. Section 33128 of the Education Code, as amended
27 by Section 6.7 of Chapter 1168 of the Statutes of 2002, is repealed.

28 ~~33128. (a) The standards and criteria to be adopted by the~~
29 ~~State Board of Education pursuant to Section 33127 shall include,~~
30 ~~but not be limited to, comparisons and reviews of the following:~~

31 ~~(1) Average daily attendance.~~

32 ~~(2) Revenues and expenditures.~~

33 ~~(3) Reserves and fund balance.~~

34 ~~(4) Multiyear commitments.~~

35 ~~(b) This section shall become operative on July 1, 2004.~~

36 SEC. 47. Section 33128.5 of the Education Code is repealed.

37 ~~33128.5. Notwithstanding any other provision of law, a~~
38 ~~county unified school district with fewer than 3,000 units of~~
39 ~~average daily attendance may use up to 30 percent of its budget~~
40 ~~reserve to pay for utility costs, including propane, fuel, and~~

1 electricity costs, in each of the 2000–01 and 2001–02 fiscal years,
2 and shall not for that reason receive a “qualified” or “negative”
3 financial certification by the State Department of Education for
4 three fiscal years after using that amount of its budget reserve to
5 pay for utility costs if the use of that amount results in available
6 reserves falling below 3 percent of its budget reserve.

7 SEC. 48. Section 33129 of the Education Code is repealed.

8 33129. ~~Notwithstanding any provision of law to the contrary,~~
9 ~~beginning with the first fiscal year following the adoption by the~~
10 ~~State Board of Education of standards and criteria developed~~
11 ~~pursuant to Section 33127, local educational agencies shall use the~~
12 ~~standards and criteria in developing their budgets and managing~~
13 ~~their expenditures.~~

14 SEC. 49. Section 33131 of the Education Code is repealed.

15 33131. ~~The standards and criteria for fiscal accountability~~
16 ~~referred to in Section 33127 shall not be subject to Sections 11340~~
17 ~~to 11356, inclusive, of the Government Code. However, any~~
18 ~~standards and criteria adopted by the State Board of Education~~
19 ~~pursuant to Section 33127 shall be codified and published in Title~~
20 ~~5 of the California Code of Regulations.~~

21 SEC. 50. Section 33132 of the Education Code is repealed.

22 33132. ~~(a) Notwithstanding Section 51877, the~~
23 ~~Superintendent of Public Instruction shall award educational~~
24 ~~technology competitive grants under this code with respect to each~~
25 ~~of the following categories based on a school district’s regular~~
26 ~~average daily attendance:~~

27 ~~(1) 1,000 and below.~~

28 ~~(2) 1,001 to 2,500.~~

29 ~~(3) 2,501 to 5,000.~~

30 ~~(4) 5,001 to 15,000.~~

31 ~~(5) 15,001 to 60,000.~~

32 ~~(6) 60,001 and above.~~

33 ~~(b) Notwithstanding Section 51877, the Superintendent of~~
34 ~~Public Instruction shall award educational technology competitive~~
35 ~~grants under this code with respect to each of the following two~~
36 ~~categories based on a county office of education’s regular average~~
37 ~~daily attendance:~~

38 ~~(1) 1,000 and below.~~

39 ~~(2) 1,001 and above.~~

1 ~~(c) The Superintendent shall use the prior year's second~~
2 ~~principal regular average daily attendance to determine the~~
3 ~~category in which a school district or county office of education~~
4 ~~shall be placed.~~

5 ~~(d) Program grant funds shall be allocated for each category in~~
6 ~~subdivisions (a) and (b) in the following proportion:~~

7 ~~(1) Compute the average daily attendance determined pursuant~~
8 ~~to subdivision (c) for the school districts or county offices of~~
9 ~~education in the category.~~

10 ~~(2) Divide the aggregate sum determined pursuant to paragraph~~
11 ~~(1) by the total statewide regular average daily attendance reported~~
12 ~~for the second principal apportionment for the prior fiscal year.~~

13 ~~(e) The applicants within each category shall be evaluated and~~
14 ~~scored as otherwise required by the grant program.~~

15 ~~(f) This section is applicable only to educational technology~~
16 ~~grants awarded on or after January 1, 1997.~~

17 SEC. 51. Section 33133 of the Education Code is repealed.

18 ~~33133. (a) The Superintendent of Public Instruction shall~~
19 ~~develop information, and submit this information to the State~~
20 ~~Board of Education for its approval. This information shall be for~~
21 ~~distribution to school districts and, to the extent feasible, for~~
22 ~~posting on the State Department of Education Internet website, to~~
23 ~~strengthen and promote the opportunity for quality involvement~~
24 ~~by parents and guardians in schoolsite councils whose~~
25 ~~composition meets the requirements of Section 52012. In~~
26 ~~developing the information, the Superintendent of Public~~
27 ~~Instruction may use documents currently available from nonprofit~~
28 ~~organizations, such as Ed Source and the California Parent Teacher~~
29 ~~Association, or state and local government agencies.~~

30 ~~(b) The information shall be provided to each school district~~
31 ~~and county office of education and may be made available for~~
32 ~~parents and guardians who are members of schoolsite councils~~
33 ~~whose composition meets the requirements of Section 52012 and~~
34 ~~shall cover at least the following topics:~~

35 ~~(1) Operation of schoolsite advisory bodies, including bylaws,~~
36 ~~group responsibilities, and roles.~~

37 ~~(2) Public meeting notice requirements.~~

38 ~~(3) Information about the total budget of a school district and~~
39 ~~how funds are distributed to schoolsite advisory bodies, including,~~
40 ~~but not limited to, the amount of funds distributed to schoolsites.~~

~~(4) Information about the school district and state standards of expected pupil achievement in core academic subjects for each grade level.~~

~~(5) Instruction on how to interpret data from the pupil performance measures selected by the school district.~~

~~(6) A definition of “significant gains made by pupils” toward meeting the standards of expected pupil achievement.~~

~~(7) Research-based information about curriculum and teaching strategies that will improve pupil performance.~~

~~(8) The right to information under the Public Records Act set forth in Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code.~~

~~(9) Information regarding the educational and training needs for pupils, as identified and expressed by local employers, former pupils of the school district, and postsecondary education institutions.~~

~~(e) In addition to the composition set forth in Section 52012, a schoolsite council at the middle school level may, but is not required to, include pupil representation.~~

SEC. 52. Article 3 (commencing with Section 33140) of Chapter 2 of Part 20 of the Education Code is repealed.

SEC. 53. Article 5 (commencing with Section 33190) of Chapter 2 of Part 20 of the Education Code is repealed.

SEC. 54. Chapter 3 (commencing with Section 33300) of Part 20 of the Education Code is repealed.

SEC. 55. Chapter 4 (commencing with Section 33500) of Part 20 of the Education Code is repealed.

SEC. 56. Chapter 1 (commencing with Section 35000) of Part 21 of the Education Code is repealed.

SEC. 57. Article 1 (commencing with Section 35100) of Chapter 2 of Part 21 of the Education Code is repealed.

SEC. 58. Article 1.5 (commencing with Section 35110) of Chapter 2 of Part 21 of the Education Code is repealed.

SEC. 59. Article 2 (commencing with Section 35120) of Chapter 2 of Part 21 of the Education Code is repealed.

SEC. 60. Article 3 (commencing with Section 35140) of Chapter 2 of Part 21 of the Education Code is repealed.

SEC. 61. Section 35160.5 of the Education Code is repealed.

~~35160.5. (a) The governing board of each school district that maintains one or more schools containing any of grades 7 to 12,~~

~~inclusive, shall, as a condition for the receipt of an inflation adjustment pursuant to Section 42238.1, establish a school district policy regarding participation in extracurricular and cocurricular activities by pupils in grades 7 to 12, inclusive. The criteria, which shall be applied to extracurricular and cocurricular activities, shall ensure that pupil participation is conditioned upon satisfactory educational progress in the previous grading period. Pupils who are eligible for differential standards of proficiency pursuant to subdivision (d) of Section 51215 are covered by this section consistent with that subdivision. No person shall classify a pupil as eligible for differential standards of proficiency pursuant to subdivision (d) of Section 51215 for the purpose of circumventing the intent of this subdivision.~~

~~(1) For purposes of this subdivision, “extracurricular activity” means a program that has all of the following characteristics:~~

~~(A) The program is supervised or financed by the school district.~~

~~(B) Pupils participating in the program represent the school district.~~

~~(C) Pupils exercise some degree of freedom in either the selection, planning, or control of the program.~~

~~(D) The program includes both preparation for performance and performance before an audience or spectators.~~

~~(2) For purposes of this subdivision, an “extracurricular activity” is not part of the regular school curriculum, is not graded, does not offer credit, and does not take place during classroom time.~~

~~(3) For purposes of this subdivision, a “cocurricular activity” is defined as a program that may be associated with the curriculum in a regular classroom.~~

~~(4) Any teacher graded or required program or activity for a course that satisfies the entrance requirements for admission to the California State University or the University of California is not an extracurricular or cocurricular activity as defined by this section.~~

~~(5) For purposes of this subdivision, “satisfactory educational progress” shall include, but not be limited to, the following:~~

~~(A) Maintenance of minimum passing grades, which is defined as at least a 2.0 grade point average in all enrolled courses on a 4.0 scale.~~

~~(B) Maintenance of minimum progress toward meeting the high school graduation requirements prescribed by the governing board.~~

~~(6) For purposes of this subdivision, “previous grading period” does not include any grading period in which the pupil was not in attendance for all, or a majority of, the grading period due to absences excused by the school for reasons such as serious illness or injury, approved travel, or work. In that event, “previous grading period” is deemed to mean the grading period immediately prior to the grading period or periods excluded pursuant to this paragraph.~~

~~(7) A program that has, as its primary goal, the improvement of academic or educational achievements of pupils is not an extracurricular or cocurricular activity as defined by this section.~~

~~(8) The governing board of each school district may adopt, as part of its policy established pursuant to this subdivision, provisions that would allow a pupil who does not achieve satisfactory educational progress, as defined in paragraph (4), in the previous grading period to remain eligible to participate in extracurricular and cocurricular activities during a probationary period. The probationary period shall not exceed one semester in length, but may be for a shorter period of time, as determined by the governing board of the school district. A pupil who does not achieve satisfactory educational progress, as defined in paragraph (4), during the probationary period shall not be allowed to participate in extracurricular and cocurricular activities in the subsequent grading period.~~

~~(9) Nothing in this subdivision shall preclude the governing board of a school district from imposing a more stringent academic standard than that imposed by this subdivision. If the governing board of a school district imposes a more stringent academic standard, the governing board shall establish the criteria for participation in extracurricular and cocurricular activities at a meeting open to the public pursuant to Section 35145.~~

~~The governing board of each school district shall annually review the school district policies adopted pursuant to the requirements of this section.~~

~~(b) (1) On or before July 1, 1994, the governing board of each school district shall, as a condition for the receipt of school apportionments from the state school fund, adopt rules and~~

1 ~~regulations establishing a policy of open enrollment within the~~
2 ~~district for residents of the district. This requirement does not~~
3 ~~apply to any school district that has only one school or any school~~
4 ~~district with schools that do not serve any of the same grade levels.~~

5 ~~(2) The policy shall include all of the following elements:~~

6 ~~(A) It shall provide that the parent or guardian of each~~
7 ~~schoolage child who is a resident in the district may select the~~
8 ~~schools the child shall attend, irrespective of the particular~~
9 ~~locations of his or her residence within the district, except that~~
10 ~~school districts shall retain the authority to maintain appropriate~~
11 ~~racial and ethnic balances among their respective schools at the~~
12 ~~school districts' discretion or as specified in applicable~~
13 ~~court-ordered or voluntary desegregation plans.~~

14 ~~(B) It shall include a selection policy for any school that~~
15 ~~receives requests for admission in excess of the capacity of the~~
16 ~~school that ensures that selection of pupils to enroll in the school~~
17 ~~is made through a random, unbiased process that prohibits an~~
18 ~~evaluation of whether any pupil should be enrolled based upon his~~
19 ~~or her academic or athletic performance. For purposes of this~~
20 ~~subdivision, the governing board of the school district shall~~
21 ~~determine the capacity of the schools in its district. However,~~
22 ~~school districts may employ existing entrance criteria for~~
23 ~~specialized schools or programs if the criteria are uniformly~~
24 ~~applied to all applicants. This subdivision shall not be construed~~
25 ~~to prohibit school districts from using academic performance to~~
26 ~~determine eligibility for, or placement in, programs for gifted and~~
27 ~~talented pupils established pursuant to Chapter 8 (commencing~~
28 ~~with Section 52200) of Part 28.~~

29 ~~(C) It shall provide that no pupil who currently resides in the~~
30 ~~attendance area of a school shall be displaced by pupils~~
31 ~~transferring from outside the attendance area.~~

32 ~~(3) Notwithstanding the requirement of subparagraph (B) of~~
33 ~~paragraph (2) that the policy include a selection policy for any~~
34 ~~school that receives requests for admission in excess of the~~
35 ~~capacity of the school that ensures that the selection is made~~
36 ~~through a random, unbiased process, the policy may include any~~
37 ~~of the following elements:~~

38 ~~(A) It may provide that special circumstances exist that might~~
39 ~~be harmful or dangerous to a particular pupil in the current~~
40 ~~attendance area of the pupil, including, but not limited to, threats~~

1 of bodily harm or threats to the emotional stability of the pupil, that
2 serve as a basis for granting a priority of attendance outside the
3 current attendance area of the pupil. A finding of harmful or
4 dangerous special circumstances shall be based upon either of the
5 following:

6 (i) A written statement from a representative of the appropriate
7 state or local agency, including, but not limited to, a law
8 enforcement official or a social worker, or properly licensed or
9 registered professionals, including, but not limited to,
10 psychiatrists, psychologists, or marriage and family therapists.

11 (ii) A court order, including a temporary restraining order and
12 injunction, issued by a judge.

13 A finding of harmful or dangerous special circumstances
14 pursuant to this subparagraph may be used by a school district to
15 approve transfers within the district to schools that have been
16 deemed by the school district to be at capacity and otherwise
17 closed to transfers that are not based on harmful or dangerous
18 special circumstances.

19 (B) It may provide that any pupil attending a school prior to
20 July 1, 1994, may be considered a current resident of that school
21 for purposes of this section until the pupil is promoted or graduates
22 from that school.

23 (C) It may provide that no pupil who was on a waiting list for
24 a school or specialized program, on or before July 1, 1994,
25 pursuant to a then-existing district policy on transfers within the
26 district, shall be displaced by pupils transferring after July 1, 1994,
27 from outside the attendance area, as long as the continued
28 maintenance on a waiting list remains consistent with the former
29 policy.

30 (D) It may provide that schools receiving requests for
31 admission shall give priority for attendance to siblings of pupils
32 already in attendance in that school and to pupils whose parent or
33 legal guardian is assigned to that school as his or her primary place
34 of employment.

35 (E) It may include a process by which the school district
36 informs parents or guardians that certain schools or grade levels
37 within a school are currently, or are likely to be, at capacity and,
38 therefore, those schools or grade levels are unable to accommodate
39 any new pupils under the open enrollment policy.

1 ~~(4) It is the intent of the Legislature that, upon the request of the~~
2 ~~pupil's parent or guardian and demonstration of financial need,~~
3 ~~each school district provide transportation assistance to the pupil~~
4 ~~to the extent that the district otherwise provides transportation~~
5 ~~assistance to pupils.~~

6 SEC. 62. Section 35161 of the Education Code is repealed.

7 ~~35161. The governing board of any school district may~~
8 ~~execute any powers delegated by law to it or to the district of which~~
9 ~~it is the governing board, and shall discharge any duty imposed by~~
10 ~~law upon it or upon the district of which it is the governing board,~~
11 ~~and may delegate to an officer or employee of the district any of~~
12 ~~those powers or duties. The governing board, however, retains~~
13 ~~ultimate responsibility over the performance of those powers or~~
14 ~~duties so delegated.~~

15 SEC. 63. Section 35162 of the Education Code is repealed.

16 ~~35162. In the name by which the district is designated the~~
17 ~~governing board may sue and be sued, and hold and convey~~
18 ~~property for the use and benefit of the school district.~~

19 SEC. 64. Section 35163 of the Education Code is repealed.

20 ~~35163. Every official action taken by the governing board of~~
21 ~~every school district shall be affirmed by a formal vote of the~~
22 ~~members of the board, and the governing board of every school~~
23 ~~district shall keep minutes of its meetings, and shall maintain a~~
24 ~~journal of its proceedings in which shall be recorded every official~~
25 ~~act taken.~~

26 SEC. 65. Section 35164 of the Education Code is repealed.

27 ~~35164. The governing board shall act by majority vote of all~~
28 ~~of the membership constituting the governing board.~~

29 SEC. 66. Section 35165 of the Education Code is repealed.

30 ~~35165. Notwithstanding any other provision of law, if a~~
31 ~~school district governing board consists of seven (7) members and~~
32 ~~not more than two vacancies occur on the governing board, the~~
33 ~~vacant position or positions shall not be counted for purposes of~~
34 ~~determining how many members of the board constitute a~~
35 ~~majority; and, whenever any of the provisions of this code require~~
36 ~~unanimous action of all or a specific number of the members~~
37 ~~elected or appointed to the governing board, the vacant position or~~
38 ~~positions shall be excluded from determination of the total~~
39 ~~membership constituting the governing board.~~

40 SEC. 67. Section 35166 of the Education Code is repealed.

1 ~~35166. The governing board of each unified school district~~
2 ~~shall have the same powers and duties as are by law granted to the~~
3 ~~governing boards of the elementary school districts, and high~~
4 ~~school districts.~~

5 SEC. 68. Section 35167 of the Education Code is repealed.

6 ~~35167. Except where otherwise provided, all of the~~
7 ~~provisions of this code applicable to the government,~~
8 ~~maintenance, support, functions, and administration of~~
9 ~~elementary and high school districts are applicable to the~~
10 ~~government, maintenance, support, and administration of unified~~
11 ~~school districts.~~

12 SEC. 69. Section 35168 of the Education Code is repealed.

13 ~~35168. The governing board of each school district, shall~~
14 ~~establish and maintain a historical inventory, or an audit trace~~
15 ~~inventory system, or any other inventory system authorized by the~~
16 ~~State Board of Education, which shall contain the description,~~
17 ~~name, identification numbers, and original cost of all items of~~
18 ~~equipment acquired by it whose current market value exceeds five~~
19 ~~hundred dollars (\$500) per item, the date of acquisition, the~~
20 ~~location of use, and the time and mode of disposal. A reasonable~~
21 ~~estimate of the original cost may be used if the actual original cost~~
22 ~~is unknown.~~

23 SEC. 70. Section 35170 of the Education Code is repealed.

24 ~~35170. The governing board of any school district may secure~~
25 ~~copyrights, in the name of the district, to all copyrightable works~~
26 ~~developed by the school district, and royalties or revenue from said~~
27 ~~copyrights are to be for the benefit of the school district securing~~
28 ~~said copyrights.~~

29 SEC. 71. Section 35172 of the Education Code is repealed.

30 ~~35172. The governing board of any school district may:~~

31 ~~(a) Conduct studies through research and investigation as are~~
32 ~~determined by it to be required in connection with the present and~~
33 ~~future management, conditions, needs, and financial support of the~~
34 ~~schools; or join with other school district governing boards in the~~
35 ~~conduct of such studies.~~

36 ~~(b) Install and maintain exhibits of educational programs and~~
37 ~~activities of the school district at any county fair held in the county~~
38 ~~in which the district is located in whole or in part, or at any~~
39 ~~agricultural district fair held in the county in which the school~~
40 ~~district is located in whole or in part.~~

1 ~~(c) Inform and make known to the citizens of the district, the~~
2 ~~educational programs and activities of the schools therein.~~

3 ~~(d) Subscribe for membership for any school under its~~
4 ~~jurisdiction in any society, association, or organization which has~~
5 ~~for its purpose the promotion and advancement of public or private~~
6 ~~education.~~

7 ~~(e) Subscribe for membership in, or otherwise become a~~
8 ~~member of, any national, state or local organization of governing~~
9 ~~boards of school districts or members thereof which has for its~~
10 ~~purposes the promotion and advancement of public education~~
11 ~~through research and investigation, and the cooperation with~~
12 ~~persons and associations whose interests and purposes are the~~
13 ~~betterment of the educational opportunities of the children of the~~
14 ~~state.~~

15 ~~(f) Select a member or members of the board to attend meetings~~
16 ~~of any society, association, or organization for which the school~~
17 ~~district has subscribed for membership, or any convention to~~
18 ~~which it may pay the expenses of any employee.~~

19 SEC. 72. Section 35175 of the Education Code is repealed.

20 ~~35175. The powers and duties of boards of education in cities~~
21 ~~are as prescribed in the laws governing the respective cities, except~~
22 ~~as otherwise provided by this code.~~

23 SEC. 73. Section 35177 of the Education Code is repealed.

24 ~~35177. The governing board of a district may by resolution~~
25 ~~limit campaign expenditures or contributions in elections to~~
26 ~~district offices.~~

27 SEC. 74. Section 35178 of the Education Code is repealed.

28 ~~35178. A member of the governing board of a school district~~
29 ~~who has tendered a resignation with a deferred effective date~~
30 ~~pursuant to Section 5090 shall, until the effective date of the~~
31 ~~resignation, continue to have the right to exercise all powers of a~~
32 ~~member of the governing board, except that such member shall not~~
33 ~~have the right to vote for his or her successor in an action taken by~~
34 ~~the board to make a provisional appointment pursuant to Section~~
35 ~~5091.~~

36 SEC. 75. Section 35178.4 of the Education Code is repealed.

37 ~~35178.4. A school board shall give official notice at a~~
38 ~~regularly scheduled school board meeting if a public school within~~
39 ~~the district that has elected to be accredited by the Western~~
40 ~~Association of Schools and Colleges or any other chartered~~

~~1 accrediting agency loses its accreditation status. If a school loses
2 its accreditation status, the school district shall notify each parent
3 or guardian of the pupils in the school that the school has lost its
4 accreditation status, in writing, and this notice shall indicate the
5 potential consequences of the school's loss of accreditation status.~~

6 SEC. 76. Article 4.5 (commencing with Section 35179) of
7 Chapter 2 of Part 21 of the Education Code is repealed.

8 SEC. 77. Article 4.7 (commencing with Section 35181) of
9 Chapter 2 of Part 21 of the Education Code is repealed.

10 SEC. 78. Article 5 (commencing with Section 35190) of
11 Chapter 2 of Part 21 of the Education Code is repealed.

12 SEC. 79. Article 6 (commencing with Section 35200) of
13 Chapter 2 of Part 21 of the Education Code is repealed.

14 SEC. 80. Article 7 (commencing with Section 35230) of
15 Chapter 2 of Part 21 of the Education Code is repealed.

16 SEC. 81. Section 35250 of the Education Code is repealed.

17 ~~35250. The governing board of every school district shall:~~

18 ~~(a) Certify or attest to actions taken by the governing board
19 whenever such certification or attestation is required for any
20 purpose.~~

21 ~~(b) Keep an accurate account of the receipts and expenditures
22 of school moneys.~~

23 ~~(c) Make an annual report, on or before the first day of July, to
24 the county superintendent of schools in the manner and form and
25 on the blanks prescribed by the Superintendent of Public
26 Instruction.~~

27 ~~(d) Make or maintain such other records or reports as are
28 required by law.~~

29 SEC. 82. Section 35251 of the Education Code is repealed.

30 ~~35251. Whenever in any school year the school register of any
31 teacher, or other records of any school district are destroyed by
32 conflagration or public calamity, preventing the teacher and
33 school officers from making their annual reports in the usual
34 manner and with accuracy, affidavits of the teacher, the school
35 principals, or other officers of the school district, certifying as to
36 the contents of the destroyed register or other records, shall be
37 accepted by all school authorities for all school purposes
38 appertaining to the school district, except that of average daily
39 attendance.~~

40 SEC. 83. Section 35252 of the Education Code is repealed.

1 ~~35252. Whenever the average daily attendance of any school~~
2 ~~district has been materially affected in any school year by~~
3 ~~conflagration, public calamity, or epidemic of unusual duration~~
4 ~~and prevalence, the regular annual reports of the teacher, the~~
5 ~~school principal, or officers of the school district, shall be accepted~~
6 ~~by all school officers for all school matters appertaining to the~~
7 ~~school district, except that of average daily attendance.~~

8 SEC. 84. Section 35253 of the Education Code is repealed.

9 ~~35253. Whenever the destruction of records of a district is not~~
10 ~~otherwise authorized or provided for by law, the governing board~~
11 ~~of the district may destroy such records of the district in~~
12 ~~accordance with regulations of the Superintendent of Public~~
13 ~~Instruction which he is herewith authorized to adopt.~~

14 SEC. 85. Section 35254 of the Education Code is repealed.

15 ~~35254. The governing board of any school district may make~~
16 ~~photographic, microfilm, or electronic copies of any records of the~~
17 ~~district. The original of any records of which a photographic,~~
18 ~~microfilm, or electronic copy has been made may be destroyed~~
19 ~~when provision is made for permanently maintaining the~~
20 ~~photographic, microfilm or electronic copies in the files of the~~
21 ~~district, except that no original record that is basic to any required~~
22 ~~audit shall be destroyed prior to the second July 1st succeeding the~~
23 ~~completion of the audit.~~

24 SEC. 86. Section 35255 of the Education Code is repealed.

25 ~~35255. In any joint school district, all returns, reports,~~
26 ~~certificates, estimates, petitions, and other papers of any kind~~
27 ~~relating to schools and school districts, required by law to be filed~~
28 ~~with or presented to the board of supervisors or county~~
29 ~~superintendent of schools, shall be filed with or presented to the~~
30 ~~supervisors or superintendent of schools of each county in which~~
31 ~~any portion of the district is situated.~~

32 SEC. 87. Section 35256.1 of the Education Code is repealed.

33 ~~35256.1. In addition to the information required under~~
34 ~~Section 35256, each School Accountability Report Card shall~~
35 ~~include the information required under Section 41409.3.~~

36 SEC. 88. Section 35258 of the Education Code is repealed.

37 ~~35258. On or before July 1, 1998, each school district that is~~
38 ~~connected to the Internet shall make the information contained in~~
39 ~~the School Accountability Report Card developed pursuant to~~
40 ~~Section 35256 accessible on the Internet. The School~~

1 ~~Accountability Report Card information shall be updated~~
2 ~~annually.~~
3 SEC. 89. Article 9 (commencing with Section 35270.5) of
4 Chapter 2 of Part 21 of the Education Code is repealed.
5 SEC. 90. Article 10 (commencing with Section 35290) of
6 Chapter 2 of Part 21 of the Education Code is repealed.
7 SEC. 91. Article 10.3 (commencing with Section 35294) of
8 Chapter 2 of Part 21 of the Education Code is repealed.
9 SEC. 92. Article 10.4 (commencing with Section 35294.10)
10 of Chapter 2 of Part 21 of the Education Code is repealed.
11 SEC. 93. Article 10.41 (commencing with Section 35294.20)
12 of Chapter 2 of Part 21 of the Education Code is repealed.
13 SEC. 94. Article 10.5 (commencing with Section 35295) of
14 Chapter 2 of Part 21 of the Education Code is repealed.
15 SEC. 95. Article 12 (commencing with Section 35310) of
16 Chapter 2 of Part 21 of the Education Code is repealed.
17 SEC. 96. Article 13 (commencing with Section 35330) of
18 Chapter 2 of Part 21 of the Education Code is repealed.
19 SEC. 97. Article 13.5 (commencing with Section 35335) of
20 Chapter 2 of Part 21 of the Education Code is repealed.
21 SEC. 98. Article 15 (commencing with Section 35350) of
22 Chapter 2 of Part 21 of the Education Code is repealed.
23 SEC. 99. Article 16 (commencing with Section 35400) of
24 Chapter 2 of Part 21 of the Education Code is repealed.
25 SEC. 100. Part 22 (commencing with Section 37060) of the
26 Education Code is repealed.
27 SEC. 101. Part 23 (commencing with Section 38000) of the
28 Education Code is repealed.
29 SEC. 102. Part 23 (commencing with Section 39672) of the
30 Education Code is repealed.
31 SEC. 103. Part 23.5 (commencing with Section 39800) of the
32 Education Code is repealed.
33 SEC. 104. Part 25 (commencing with Section 44000) of the
34 Education Code is repealed.
35 SEC. 105. Part 26 (commencing with Section 46000) of the
36 Education Code is repealed.
37 SEC. 106. Part 26.8 (commencing with Section 47600) of the
38 Education Code is repealed.
39 SEC. 107. Part 26.95 (commencing with Section 47750) of
40 the Education Code is repealed.



1 SEC. 108. Part 27 (commencing with Section 48000) of the
2 Education Code is repealed.

3 SEC. 109. Part 28 (commencing with Section 51000) of the
4 Education Code is repealed.

5 SEC. 110. Part 29 (commencing with Section 54000) of the
6 Education Code is repealed.

7 SEC. 111. Part 31 (commencing with Section 58400) of the
8 Education Code is repealed.

9 SEC. 112. Part 32 (commencing with Section 59000) of the
10 Education Code is repealed.

11 SEC. 113. Part 33 (commencing with Section 60000) of the
12 Education Code is repealed.

13 SEC. 114. Part 34 (commencing with Section 62000) of the
14 Education Code is repealed.

15 SEC. 115. Part 35 (commencing with Section 63000) of the
16 Education Code is repealed.

17 SEC. 116. Part 36 (commencing with Section 64000) of the
18 Education Code is repealed.

19 SEC. 117. Part 37 (commencing with Section 64100) of the
20 Education Code is repealed.

21 SEC. 118. Part 38 (commencing with Section 64200) of the
22 Education Code is repealed.

23 SEC. 119. (a) There is hereby established a 15-member
24 commission to revise those parts of the Education Code governing
25 childcare and development services and elementary and secondary
26 education. The commission may appoint advisory committees as
27 needed and shall submit a recommended revised version of the
28 Education Code to the Legislature, the Governor, and the State
29 Board of Education on or before January 1, 2005.

30 (b) The Superintendent of Public Instruction shall be a voting
31 ex officio member of the commission. The remaining members of
32 the commission shall be appointed as follows:

33 (1) The Governor and the Superintendent of Public Instruction
34 shall each appoint three members.

35 (2) The Chair of the Assembly Committee on Education and
36 the Chair of the Senate Committee on Education shall each appoint
37 one member.

38 (3) The Vice-Chair of the Assembly Committee on Education
39 and the Vice-Chair of the Senate Committee on Education shall
40 each appoint one member.

1 (4) The State Board of Education, the Speaker of the Assembly,
2 the Senate Committee on Rules, and the Secretary for Education
3 shall each appoint one member.

4 (c) The members of the commission shall serve without
5 compensation, but shall be reimbursed for all necessary expenses
6 actually incurred in the performance of their duties.

7 (d) The commission may only make recommended revisions to
8 the Education Code that affect child care and development
9 services and the elementary and secondary public school system.

10 (e) The Legislative Counsel, Legislative Analyst, State
11 Department of Education, and the Department of Finance shall
12 assist the commission in the performance of its duties. These
13 agencies shall fund the cost of providing assistance to the
14 commission from existing resources.

15 SEC. 120. Sections 2 to 118, inclusive, of this act shall
16 become operative on July 1, 2007.

